



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

INFORMATIONAL LETTER NO.1748-FFS

DATE: December 13, 2016

TO: Iowa Medicaid Hospitals and Physicians

APPLIES TO: Fee-for-Service

FROM: Iowa Department of Human Services (DHS), Iowa Medicaid Enterprise (IME)

RE: Use of Modifier “82” for Surgical Assistance

EFFECTIVE: January 1, 2017

To ensure that IME policy aligns with the Centers for Medicare and Medicaid Services (CMS) guidelines for surgical assistants, the IME will require the use of the “82” modifier for surgical assistants in teaching hospitals.

The “82” modifier is to be used when surgical assistance was provided by a medical doctor (DO or MD) and there was not a qualified resident available. Documentation related to the unavailability of a qualified resident must be included with the claim. If possible, in a teaching hospital residents should be performing surgical assistance. Surgical assistance performed by residents should not be billed to Medicaid.

Per CMS Guidelines for Teaching Physicians, Interns, and Residents Fact Sheet published February 2015:

Medical and surgical services furnished by an intern or resident within the scope of his or her training program are covered as provider services and Medicare pays for them through Direct Graduate Medical Education (DGME) and Indirect Medical Education (IME) payments. These services may not be billed or paid under the Medicare Physician Fee Schedule (PFS). When interns or residents are in an approved program and training in a non-provider setting, the services furnished are payable in one of the following ways:

- Through DGME and IME payments to the hospital(s), if, among other things, he or she: provides patient care activities and the hospital(s) incurs salary and fringe benefits of the resident or intern during the time spent in the non-provider setting; or
- For DGME purposes, spends time in certain non-patient care activities in certain non-provider settings and the hospital(s) incurs salary and fringe benefits of the resident or *intern during* the time he or she spent in the non-provider setting.”

Use of the “80” modifier is appropriate only when the assistant is a medical doctor (DO or MD). The “AS” modifier will continue to be used when the assistant is a qualified non-physician practitioner. These are physician assistants, nurse practitioners, or clinical nurse specialist. It would be anticipated that an “80” modifier would never be used at a teaching hospital unless the surgeon was not on the teaching staff or lacked a teaching program in the primary surgeon’s specialty.”

If you have any questions, please contact IME Provider Services at 1-800-338-7909, or by email at: IMEproviderservices@dhs.state.ia.us.